

ORDINANCE NO. 3327



AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, GRANTING AN INTERIM SPECIFIC USE PERMIT FOR A TELECOMMUNICATION TOWER ON AN APPROXIMATELY 2000 SQUARE FOOT TRACT OF LAND OUT OF THE ROBERT J. WEST SURVEY, ABST. 1576, FARMERS BRANCH, DALLAS COUNTY, TEXAS, DESCRIBED IN EXHIBIT "A," HERETO, WHICH PROPERTY IS LOCATED IN PLANNED DEVELOPMENT NUMBER 3 (PD-3); PROVIDING FOR APPROVAL OF A SITE PLAN; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; AND PROVIDING FOR AN EFFECTIVE DATE SUBJECT TO PUBLICATION AND RECORDING; PROVIDING FOR A TERMINATION EXPIRATION DATE

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity; and

WHEREAS, in accordance with Section 8-452 of the Comprehensive Zoning Ordinance, as amended, the City Council makes the following findings with respect to the application requesting the issuance of a Specific Use Permit – Interim Use on the property described in Exhibit "A," attached hereto and incorporated herein by reference ("the Property"), to wit:

1. The proposed use of the Property is consistent with existing uses of adjacent and nearby property;
2. The proposed use of the Property is not consistent with: (a) the reasonably foreseeable uses of adjacent and nearby property anticipated to be in place upon expiration of the term of the Specific Use Permit - Interim Use; or (b) the use of the Property contemplated by the City's Comprehensive Plan, as in effect on the date of granting of said permit;
3. The proposed use of the Property will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan during the period for which the Specific Use Permit - Interim Use is in effect;

4. The proposed use of the Property will not adversely affect the City's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the City's Comprehensive Plan;

5. The investment contemplated to be made by the applicant in the Property subsequent to or in reliance upon the issuance of the permit may reasonably be expected to be recovered prior to the expiration date of this Ordinance and the Specific Use Permit – Interim Use created hereby; and

WHEREAS, having held the above-referenced public hearing and making the above findings, the governing body, in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit for installation of a telecommunications monopole within the Planned Development Number 3 (PD-3) zoning district on the land described Exhibit "A," attached hereto and incorporated herein by reference (more commonly known as 13985 Dennis Lane)("the Property").

SECTION 2. The Property shall conform in operation, location and construction to the development standards specified within Planned Development No. 3 (PD-3) Zoning District as well as the following special conditions:

A. The tower, antennas, and equipment sheds shall be installed in accordance with the Site Plan attached hereto as Exhibit "B" and incorporated herein by reference, and which is hereby approved.

B. The location of the tower and equipment sheds shall be fenced, screened, and/or landscaped as substantially shown on Exhibit "B", hereto.

C. The owner of the tower, antenna system, and all associated equipment installed pursuant to this Specific Use Permit granted by this Ordinance, shall remove all antennas, microwave dishes, mounting brackets, and associated cabling and equipment not later than ninety (90) days following the discontinuance or abandonment of the use of such antennas, dishes, or equipment as the result of obsolescence or otherwise.

D. The replacement of equipment, including antennas located on the tower, shall not require an amendment to this Specific Use Permit as long as the replacement antennas are located substantially within the area of the tower where the antennas are shown on Exhibit "B," hereto, they otherwise comply with the regulations of this Specific Use Permit as amended, and they do not result in the highest point of any part of the tower or any antenna exceeding 90.0 feet above the ground.

SECTION 3. The Property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. The provisions of this ordinance shall be controlling with respect to the use and development of the Property for the purposes authorized in Sections 1 and 2, above. In the event of any irreconcilable conflict with the provisions of any other ordinances of the City of Farmers Branch, the provisions of this Ordinance shall be controlling.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

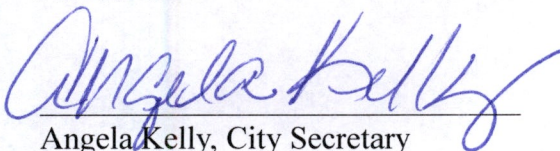
SECTION 7. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide, and the filing in the Official Public Records of Dallas County, Texas, the notice required by Section 8-459, of the Comprehensive Zoning Ordinance, as amended, have occurred.

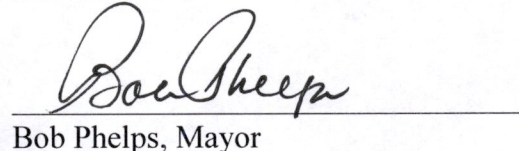
SECTION 9. This Ordinance and the right to use the Property for the purposes authorized herein shall terminate on the fifteenth (15th) anniversary of the effective date of this Ordinance.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, ON THIS THE 14TH DAY OF JULY, 2015.**

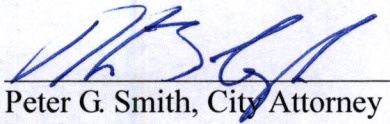
ATTEST:


Angela Kelly, City Secretary

APPROVED:


Bob Phelps, Mayor

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read 'P. G. Smith', is written over a horizontal line.

Peter G. Smith, City Attorney
(kbl:7/5/15:72348)

Ordinance No. 3327
Exhibit "A" – Property Description

Being a tract of land situated in the Robert J. West Survey, Abstract No. 1576, Dallas County, Texas and being a portion of that certain tract of land as described in Warranty Deed to the City of Farmers Branch as recorded in Volume 83077, Page 1396 of the Deed Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at the most southerly southeast corner of Lot 1, Block A of the Replat of Valwood Village No. 1 Addition, an Addition to the City of Farmers Branch as recorded in Volume 85171, page 1031 and also being on the northerly line of said City of Farmers branch tract;

THENCE South 89 degrees 46 minutes 54 seconds West, along a common line of said City of Farmers Branch tract and said Valwood Village tract, a distance of 195.00 feet to an "X" found in concrete for a corner and from which a 1/2 inch steel rod with cap found for a common corner bears North 00 degrees 13 minutes 06 seconds West, 30.00 feet;

THENCE South 89 degrees 33 minutes 59 seconds West, departing the common lines of said City of Farmers Branch tract and said Valwood Village tract and across the City of Farmers Branch tract, a distance of 63.61 feet to a 5/8 inch steel rod with "Terracorp" cap set for the **POINT OF BEGINNING** ;

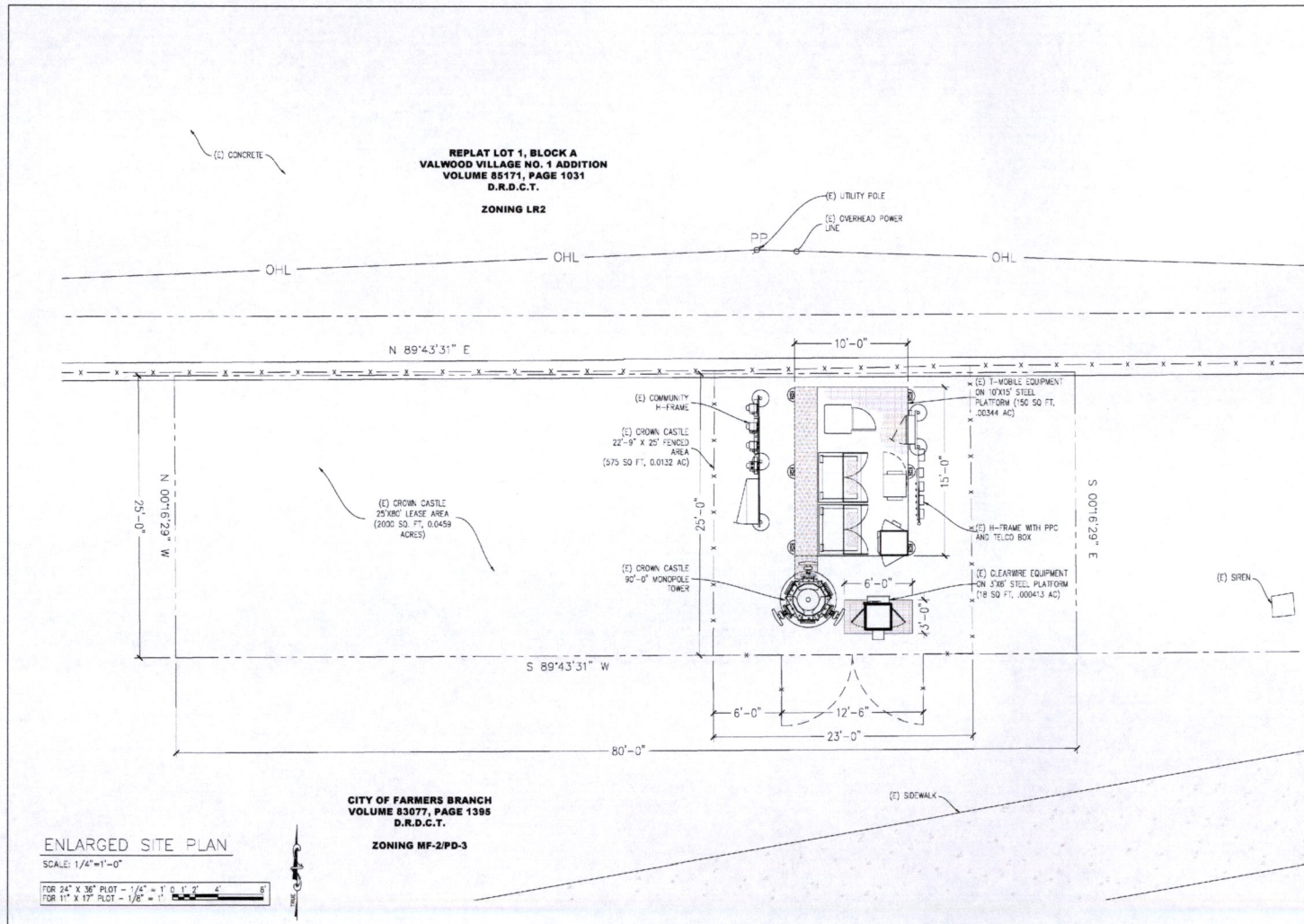
THENCE South 89 degrees 43 minutes 31 seconds West, a distance of 80.00 feet to a 5/8 inch steel rod with "Terracorp" cap set for a corner;

THENCE North 00 degrees 16 minutes 29 seconds West, a distance of 25.00 feet to a 5/8 inch steel rod with "Terracorp" cap set for a corner;

THENCE North 89 degrees 43 minutes 31 seconds East, a distance of 80.00 feet to a 5/8 inch steel rod with "Terracorp" cap set for a corner;

THENCE South 00 degrees 16 minutes 29 seconds East, a distance of 25.00 feet to the **POINT OF BEGINNING** and containing 2,000 Square Feet or 0.0459 of an Acre of land, more or less.

Ordinance No. 3327 Exhibit "B" - Site Plan



REVISION	DATE
1	04/29/15
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BROADUS
4 COUNTRY PLACE CIRCLE
DALWORTHINGTON GARDENS
TEXAS 75018
PH: (972) 213-8007

FPB ASSOCIATES, INC.
Consulting Engineers
5501 18th Street, Suite 300
Dallas, Texas 75247
(972) 233-5465

CROWN CASTLE
600 E. JOHN CARPENTER FWY.
SUITE 300
IRVING, TX 75062

**JOSEY-FARMERS BRANCH
PARK**
CCL SITE ID: 824931
SITE ADDRESS:
13985 DENNIS LANE
FARMERS BRANCH, TX 75234

SUBMITTAL DATE: 04/29/15

SHEET NAME: ENLARGED SITE PLAN
SHEET #: Z-2

Ordinance No. 3327
Exhibit "B" - Site Plan (cont.)

